

Appl. No. 09/504,159
Amd dated December 10, 2003
Reply to Office Action of September 12, 2003

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

Claim 1 (Currently Amended): A method for resolving an electronic commerce dispute involving one or more parties, comprising:

receiving over a computer network and from at least one party case information that describes the dispute;

executing software to applying a case-based reasoning system to the case information to produce a result for use in selection of a mode of resolving the dispute in accordance with an online dispute resolution process; and

presenting the result of the application of the case-based reasoning system to the case information to the one or more parties via the computer network to assist the parties in resolving the dispute. *✓ 112 ✓*

Claim 2 (Previously Presented): The method of claim 1, further comprising automatically selecting one of two modes of resolving the dispute based on the result from the case-based reasoning system, the first mode requiring the online dispute resolution process being driven by an electronic agent to assist the parties in resolving the dispute and the second mode involving a human dispute resolution specialist.

Claim 3 (Previously Presented): The method of claim 1, wherein the case-based reasoning system contains a history file.

Claim 4 (Previously Presented): The method of claim 3, wherein the history file contains patterns and precedents, further comprising applying the patterns and precedents to generate an outcome prediction.

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Claim 5 (Currently Amended): The method of claim 4, further comprising presenting the outcome prediction to the parties to assist the parties in selecting the mode of resolving the dispute.

Claim 6 (Previously Presented): The method of claim 4, wherein the outcome prediction includes one or more likely outcomes and associated probabilities of occurrence.

Claim 7 (Previously Presented): The method of claim 1, further comprising receiving settlement position from the parties.

Claim 8 (Original): The method of claim 7, further comprising automatically settling the dispute if the settlement positions satisfy a predetermined criteria.

Claim 9 (Original): The method of claim 8, wherein the predetermined criteria relates to a monetary settlement position.

Claim 10 (Original): The method of claim 8, wherein the predetermined criteria relates to a non-monetary settlement position.

Claim 11 (Previously Presented): The method of claim 2, wherein the dispute resolution specialist resolves the dispute by transitioning from a mediation stage to an arbitration stage.

Claim 12 (Previously Presented): The method of claim 2, wherein the dispute resolution specialist generates a final recommended resolution.

Claim 13 (Original): The method of claim 12, wherein the final recommended resolution is accepted by the one or more parties.

Claim 14 (Previously Presented): The method of claim 12, further comprising creating a contract between the one or more parties stating the willingness to abide by the recommended resolution.

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Claim 15 (Previously Presented): The method of claim 2, further comprising communicating among the parties using a plurality of communication modes.

Claim 16 (Previously Presented): The method of claim 15, wherein the communication modes include a public messaging mode in which communication is automatically shared between all of the parties and the dispute resolution specialist, and a private messaging mode in which communication for a given one of the parties is automatically shared only between that one of the parties and the dispute resolution specialist.

Claim 17 (Original): The method of claim 15, wherein the communication mode is selected by the dispute resolution specialist.

Claims 18-19 (Cancelled):

Claim 20 (Original): The method of claim 1, further comprising providing visual cues to highlight agreements between the parties.

Claim 21 (Original): The method of claim 20, further comprising visually highlighting areas of agreement and disagreement.

Claim 22 (Previously Presented): The method of claim 1, further comprising providing a forum storing data on participation of a buyer or seller in dispute resolution process to resolve electronic commerce disputes in an electronic marketplace.

Claims 23-24 (Cancelled)

Claim 25 (Previously Presented): The method of claim 22, wherein the data relates to compliance of a participant to the final decision made in the resolution of the dispute.

Claim 26 (Previously Presented): The method of claim 22, further comprising highlighting an offender in the dispute resolution system.

Claim 27 (Previously Presented): The method of claim 2, further comprising providing a market-based system for assigning the dispute resolution specialist to a particular dispute.

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Claim 28 (Original): The method of claim 1, wherein the dispute resolution is provided as an insurance covering transactions.

Claim 29 (Original): The method of claim 28, further comprising requiring a seller in a transaction to be a registered subscriber before a transaction is insured.

Claim 30 (Previously Presented): The method of claim 29, further comprising showing a visual indicia to indicate membership in the dispute resolution process.

Claim 31 (Original): The method of claim 30, wherein the visual indicia is a medallion.

Claims 32-55 (Cancelled)

Claim 56 (Currently Amended): A method comprising:

receiving case information via a computer network, wherein the case information that describes an electronic commerce dispute from one or more parties to the dispute;

executing software to compare comparing the case information to facts of previously resolved disputes to produce a result for use in selection of a mode of resolving the dispute in accordance with a dispute resolution process; and

presenting the result of the comparison to the parties via the computer network.

Claim 57 (Previously Added): The method of claim 56, wherein comparing the case information to facts of previously resolved disputes comprises:

maintaining a database that stores facts and outcomes of previously resolved disputes;

searching the database to identify previously resolved disputes with facts that are similar to the case information.

Claim 58 (Previously Added): The method of claim 57, wherein presenting the result comprises presenting the outcomes of identified previously resolved disputes.

Claim 59 (Previously Added): The method of claim 58, wherein presenting the outcomes comprises summarizing the outcomes of the identified previously resolved disputes.

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Claim 60 (Previously Added): The method of claim 57, wherein presenting the result comprises:

generating an outcome prediction as a function of the facts and outcomes of the identified disputes; and

presenting the outcome prediction to the parties.

Claim 61 (Previously Added): The method of claim 60, wherein the outcome prediction includes at least one likely outcome.

Claim 62 (Previously Added): The method of claim 61, wherein the outcome prediction includes associated probabilities of occurrence of the at least one likely outcome.

Claim 63 (Previously Added): The method of claim 61, further comprising presenting the at least one likely outcome to the parties as a potential resolution of the dispute.

Claim 64 (Previously Added): A system comprising:

a database to store facts and outcomes of previously resolved disputes; and

a server to receive case information that describes an electronic commerce dispute from one or more parties to the dispute via a network, wherein the server compares the case information to the facts of previously resolved disputes stored by the database to produce a result for use in selection of a mode of resolving the dispute, and presents a result of the comparison to the parties via the network.

Claim 65 (Previously Added): The system of claim 64, wherein the server searches the database to identify previously resolved disputes with facts that are similar to the case information.

Claim 66 (Previously Added): The system of claim 65, wherein the server presents the result of the comparison by presenting the outcomes of identified previously resolved disputes.

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Claim 67 (Previously Added): The system of claim 66, wherein the server summarizes the outcome of identified previously resolved disputes.

Claim 68 (Previously Added): The system of claim 65, wherein the server presents the result of the comparison by generating an outcome prediction as a function of the facts and outcomes of the identified disputes, and presenting the outcome prediction to the parties.

Claim 69 (Previously Added): The system of claim 68, wherein the outcome prediction includes at least one likely outcome.

Claim 70 (Previously Added): The system of claim 69, wherein the outcome prediction includes associated probabilities of occurrence of the at least one likely outcome.

Claim 71 (Previously Added): The system of claim 69, wherein the server presents the at least one likely outcome to the parties as a potential resolution of the dispute.

Claim 72 (Previously Added): The method of claim 15, further comprising:
determining a current mode of resolving the dispute; and
automatically selecting a communication mode based on the determination.

Claim 73 (Previously Presented): The method of claim 22, further comprising providing the data to the parties to assist the resolution of the dispute.

Claim 74 (Cancelled)

Claim 75 (Withdrawn): A system comprising:
a computer network; and
a server coupled to the computer network that receives case information that describes an electronic commerce dispute from one or more parties to the dispute via the network, and compares the case information to facts of previously resolved disputes to

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automatically select a resolution mode comprising one of (i) a direct negotiation mode that allows the parties to directly negotiate a resolution to the dispute via the computer network, (ii) a conciliation mode that allows the parties to negotiate the resolution to the dispute through a mediator, and (iii) mediation mode that allows a mediator to propose a resolution to the dispute.

Claim 76 (Withdrawn): The system of claim 75, wherein the server provides a pre-programmed recommended resolution to at least one of the parties based on the comparison.

Claim 77 (Withdrawn): A method for encouraging parties to an electronic commerce dispute to resolve the dispute through direct negotiation via a computer network comprising:

maintaining a database that stores facts and outcomes of previously resolved electronic commerce disputes;

receiving case information that describes the electronic commerce dispute from one or more of the parties to the dispute via the network;

searching the database to identify previously resolved disputes with facts that are similar to the case information;

identifying at least one likely outcome of the dispute based on the outcomes of the identified previously resolved disputes; and

presenting the identified likely outcomes to the parties as a potential resolution to the dispute to assist the parties in negotiating a resolution to the dispute.

Claim 78 (Withdrawn): A method for integrating an online dispute resolution system with an electronic marketplace to allow users of the electronic marketplace to resolve disputes and provide users of the electronic assurance that disputes will be resolved comprising:

providing an electronic marketplace as a website that is accessed by users via a computer network and enables the users to buy and sell items;

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indicating within the electronic marketplace website the availability of a dispute resolution system that is coupled to the computer network to resolve disputes between the users of the electronic marketplace;

embedding uniform resource locators associated with the dispute resolution system within a hypertext markup language application for the website to enable users of the electronic marketplace to access the dispute resolution system from the electronic marketplace; and

displaying media objects within the website that are associated with users of the electronic marketplace,

wherein the appearance of the media objects is related to data maintained by the online dispute resolution system that is related to use of the dispute resolution system by the users.

Claim 79 (Withdrawn): A method comprising:

providing an electronic marketplace that is accessed by users via a computer network and enables the users to buy and sell items; and

indicating the availability of a dispute resolution system to resolve disputes between the users of the electronic marketplace by displaying to the users one or more medallion associated with the dispute resolution system within the electronic marketplace.

Claim 80 (Withdrawn): The method of claim 79, further comprising displaying the media objects to indicate which of the users are members in the dispute resolution system.

Claim 81 (Withdrawn): The method of claim 80, further comprising controlling the appearance of the media objects based on data maintained by the dispute resolution system that describes the use of the dispute resolution system by the users.

Claim 82 (Withdrawn): The method of claim 81, further comprising controlling the appearance of the media objects based on participation of the users within the dispute resolution processes and compliance with results of the dispute resolution process.

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Claim 83 (Withdrawn): A method for indicating to users of an electronic marketplace whether other users of the electronic marketplace participate in an online dispute resolution system comprising:

providing an electronic marketplace via a website that is accessed by users via a computer network and enables the users to buy and sell items;

displaying media objects received from the dispute resolution system and associated with users of the electronic marketplace that participate in the dispute resolution system within the website,

wherein the appearance of the media objects is related to data maintained by a server associated with the dispute resolution system relating to participation of the users of the electronic marketplace in the dispute resolution system.

Claim 84 (Withdrawn): The method of claim 83, wherein displaying media objects comprises displaying medallions within web pages associated with users of the electronic marketplace that participate in the dispute resolution system.

Claim 85 (Withdrawn): An online dispute resolution system comprising a computing system that performs a computer-assisted multi-mode dispute resolution process for resolving a dispute between two parties, wherein the computing system:

performs an analysis of the dispute and present pre-programmed recommended resolutions based on the analysis in a first mode;

performs a match of needs of the two parties as defined by the dispute to resolve the dispute in a second mode;

provides a medium for the parties to independently resolve the dispute in a third mode; and

assigning a dispute resolution specialist to resolve the dispute in a fourth mode upon failure to reach a resolution in at least one of the other modes.

Claim 86 (Withdrawn): The method of claim 85, wherein the dispute resolution specialist utilizes a message exchange of the computing system to interact with the parties to reach a recommended resolution.

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Claim 87 (Withdrawn): The method of claim 85, wherein the computing system assigns the dispute resolution specialists

Claim 88 (Withdrawn): An online dispute resolution system comprising:
a software program to automatically assemble case information that describes an electronic commerce dispute between parties from records provided by the parties,
wherein the software module presents sample resolutions to the parties to aid the parties in resolving the case, and disaggregates elements of the dispute and presents the case information in a form that identifies areas of agreement between the parties.

Claim 89 (Withdrawn): The system of claim 88, further comprising a case base reasoning system that processes the case information that identifies similar past cases, and presents one or more settlement proposals and likely outcomes for the parties to assist the parties in resolving the dispute.

Claim 90 (Withdrawn): The online dispute resolution system of claim 88, further comprising a software program to prompt settlement between the parties.

Claim 91 (Withdrawn): A method comprising:
training a dispute resolution specialist by requiring the dispute resolution specialist to experience transactions within online marketplaces including at least an auction site;
presenting simulated online dispute resolution cases to the dispute resolution specialists to assess the skills of the dispute resolution specialists; and
assigning online disputes to the dispute resolution specialists only upon completion of the training and successful resolution of the simulated online dispute resolution cases.

Claim 92 (Withdrawn): An online dispute resolution system comprising:

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a first software program operating on a computing system to assemble case information that describes an electronic commerce dispute between parties from records provided by the parties; and

a second software program operating on the computing system to assist a dispute resolution specialist in identifying similar cases from a historical database of past cases.

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Claim 93 (New): The system of claim 64, wherein the compares the case information to facts of previously resolved disputes to automatically select a resolution mode comprising one of (i) a direct negotiation mode that allows the parties to directly negotiate a resolution to the dispute via the computer network, (ii) a conciliation mode that allows the parties to negotiate the resolution to the dispute through a mediator, and (iii) mediation mode that allows a mediator to propose a resolution to the dispute.

Claim 94 (New): The system of claim 93, wherein the server provides a pre-programmed recommended resolution to at least one of the parties based on the comparison.

Claim 95 (New): The system of claim 64, wherein the server:

performs an analysis of the dispute and present pre-programmed recommended resolutions based on the analysis in a first mode;

performs a match of needs of the two parties as defined by the dispute to resolve the dispute in a second mode;

provides a medium for the parties to independently resolve the dispute in a third mode; and

assigns a dispute resolution specialist to resolve the dispute in a fourth mode upon failure to reach a resolution in at least one of the other modes.

Claim 96 (New): The system of claim 95, wherein the server provides a message exchange by which the dispute resolution specialist interacts with the parties to reach a recommended resolution.

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Claim 97 (New): The system of claim 95, wherein the server automatically assigns the dispute resolution specialists.

Claim 98 (New): The system of claim 64, further comprising a software program executing on the server to automatically assemble the case information from records provided by the parties, wherein the software module presents sample resolutions to the parties to aid the parties in resolving the case, and presents the case information in a form that identifies areas of agreement between the parties.

Claim 99 (New): The system of claim 64, further comprising:

- a first software program operating the server to assemble the case information from records provided by the parties; and
- a second software program operating on the server to assist a dispute resolution specialist in identifying similar cases from a historical database of past cases.

Claim 100 (New): The method of claim 1, further comprising maintaining a database that stores facts and outcomes of previously resolved electronic commerce disputes, and wherein executing software apply a case-based reasoning system comprises:

- searching the database to identify previously resolved disputes with facts that are similar to the case information;
- identifying at least one likely outcome of the dispute based on the outcomes of the identified previously resolved disputes; and
- presenting the identified likely outcomes to the parties as a potential resolution to the dispute to assist the parties in negotiating a resolution to the dispute.

Claim 101 (New): The method of claim 1, further comprising:

- providing an electronic marketplace as a website that is accessed by users via a computer network and enables the users to buy and sell items;

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indicating within the electronic marketplace website the availability of a dispute resolution system that is coupled to the computer network to resolve disputes between the users of the electronic marketplace;

embedding uniform resource locators associated with the dispute resolution system within a hypertext markup language application for the website to enable users of the electronic marketplace to access the dispute resolution system from the electronic marketplace; and

displaying media objects within the website that are associated with users of the electronic marketplace,

wherein the appearance of the media objects is related to data maintained by the online dispute resolution system that is related to use of the dispute resolution system by the users.

Claim 102 (New): The method of claim 1, further comprising:

providing an electronic marketplace that is accessed by users via a computer network and enables the users to buy and sell items; and

indicating the availability of a dispute resolution system to resolve disputes between the users of the electronic marketplace by displaying to the users one or more medallion associated with the dispute resolution system within the electronic marketplace.

Claim 103 (New): The method of claim 102, further comprising displaying the media objects to indicate which of the users are members in the dispute resolution system.

Claim 104 (New): The method of claim 102, further comprising controlling the appearance of the media objects based on data maintained by the dispute resolution system that describes the use of the dispute resolution system by the users.

Claim 105 (New): The method of claim 102, further comprising controlling the appearance of the media objects based on participation of the users within the dispute resolution processes and compliance with results of the dispute resolution process.

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Claim 106 (New): The method of claim 1, further comprising:

providing an electronic marketplace via a website that is accessed by users via a computer network and enables the users to buy and sell items;

displaying media objects received from the dispute resolution system and associated with users of the electronic marketplace that participate in the dispute resolution system within the website,

wherein the appearance of the media objects is related to data maintained by a server associated with the dispute resolution system relating to participation of the users of the electronic marketplace in the dispute resolution system.

Claim 107 (New): The method of claim 101, wherein displaying media objects comprises displaying medallions within web pages associated with users of the electronic marketplace that participate in the dispute resolution system.

Claim 108 (New): The method of claim 1, further comprising:

training a dispute resolution specialist by requiring the dispute resolution specialist to experience transactions within online marketplaces including at least an auction site;

outputting simulated online dispute resolution cases to the dispute resolution specialists via the computer network to assess the skills of the dispute resolution specialists; and

assigning online disputes to the dispute resolution specialists only upon completion of the training and successful resolution of the simulated online dispute resolution cases.